

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RIO TINTO PLC,

Plaintiff,

- against -

VALE, S.A., et al.,

Defendant.
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**USDC SDNY
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14 Civ. 3042 (RMB) (AJP)

ORDER

The Court has reviewed the record herein, including, without limitation, Vale S.A.'s ("Vale's") letter, dated February 22, 2016, in response to Mahmoud Thiam's Objections to Magistrate Judge Peck's February 1, 2016 Order, and Judge Peck's subsequent memo endorsement, dated February 19, 2016, and finds and directs as follows:

1. The parties' applications are referred to Judge Peck for consideration. See 28 U.S.C.A § 636(b)(1)(a).
2. The Court respectfully requests that Judge Peck determine as a threshold issue – in light of the Court's November 20, 2015 Decision & Order dismissing the above-captioned matter and directing the Clerk of the Court to close the case – whether (1) the Decision & Order terminated the June 12, 2014 Order of Referral to Judge Peck; and, relatedly, whether (2) the Court retained jurisdiction to consider Vale's February 1, 2016 letter application which seeks to modify the Protective Order, signed by Judge Peck and entered on August 12, 2014, pursuant to Section XI, ¶ 1 thereof.
3. If jurisdiction is found to continue beyond dismissal of the matter on November 20, 2015, the Court respectfully requests that Judge Peck rule upon the merits of the parties' motions with authorities.

4. In the interim, discovery remains stayed and Vale is directed not to produce any of Thiam's documents before the LCIA. See Order, dated February 16, 2016, at 1.

Dated: New York, New York
March 2, 2016

A handwritten signature in black ink, appearing to read 'RMB', is positioned above a horizontal line.

RICHARD M. BERMAN, U.S.D.J.